

REMARKS/ARGUMENTS

Claims 1-4, 6-8, 12 and 14-36 stand rejected, with claims 5, 9-11 and 13 objected to in the outstanding Official Action. Claims 1, 4, 8, 9, 16, 31 and 34 have been amended and therefore claims 1-36 remain in this application.

The Examiner's acknowledgment of Applicants' claim for priority and receipt of the certified copies of the priority documents is very much appreciated. Additionally, the Patent Office's indication of acceptability of the previously submitted formal drawings is very much appreciated. Finally, the Examiner's consideration of the prior art identified in Applicants' previously submitted Information Disclosure Statement is appreciated.

Applicant has amended the title to more specifically indicate the subject matter of the claimed invention. However, should the Examiner believe that another title is more suitable, applicant will consider any such suggestion.

Claims 4, 8, 9, 31 and 34 stand objected to in section 2 on page 2 of the outstanding Official Action. In items "a" through "d," the Examiner's suggested corrections have been implemented in the above amendment. With respect to section "e," Applicants have modified claim 34 to read "and, on processing of said fix-up routine, restores a state of said processor" This modification of the Examiner's proposed amendment is believed to more accurately reflect the claimed invention and still cure the informality of the claim.

In view of the above amendments, it is believed that claims 1-36 contain no language which is objectionable and continued examination of these claims on the merits is respectfully requested.

Claims 31-36 stand rejected under 35 USC §101. While Applicants' position is that §101 does not in any way, shape or form preclude patentability of a "computer program product" (the statute identifies patentable inventions as being "any new and useful process" and "any new and useful . . . machine"), Applicants have amended claim 31 to recite a "computer readable storage medium containing computer readable instructions." This form of computer program product claims has been deemed acceptable by the U.S. PTO in the past and the Examiner's attention is directed to U.S. Patent 6,836,860, for example, which utilizes the same language. Accordingly, in view of the amendment to claim 31, there is no further basis for rejection of claims 31-36 under 35 USC §101 and any further rejection thereunder is respectfully traversed.

Claims 1-4, 6, 12, 15-31 and 35 stand rejected under 35 USC §102(e) as being anticipated by Catherwood (U.S. Patent 6,976,158). Applicants have amended claim 1 to positively recite that the interrupt is received during processing of the function at a point at which at least a portion of the function has been processed. This clarification of Applicants' claim 1 method clearly differentiates the present claims from the Catherwood reference.

Catherwood relates to repeat instructions being interrupted wherein the function is always restarted at the point it was interrupted and portions that have already been processed are never processed again. Essentially, if the repeat instructions are midway through a repeat process, then the repeat process continues which involves the instructions being executed again within that repeat sequence.

The presently claimed invention is very different from the Catherwood disclosure in that the present invention concerns a function that may or may not have idempotence; that is, it may or may not have repeatability when it is restarted. When such a function is interrupted, it may

need to start from the beginning again if it is not idempotent. Thus, in the claimed invention, rather than needing to disable interrupts which occur as such a function is processed, a control parameter can be set which indicates that the function should be repeated, i.e., started again such that the part of the function which has already been processed is actually processed again.

It is noted that Catherwood does not disclose interrupting a function at a point at which a portion of the function has been processed and then either processing this portion again following the interrupt or processing the function at the point at which it was interrupted. In Catherwood, although a repeat instruction may be interrupted at a point at which a portion of the function, for example, three of eight repeat instructions have been processed, when the function is restarted it will always restart to process only the final five instructions. In other words, in Catherwood it will always resume from a point at which it was interrupted and it will never process those parts of the function that have already been processed, i.e., in the example above the first three repeat functions.

In view of above, the amended claim is clearly different from the Catherwood reference and is not anticipated thereby. Moreover, Catherwood is concerned with a different problem, i.e., knowing where to restart when interrupting in the middle of instructions that are repeated, rather than the interruption of functions that may or may not have idempotence. In Catherwood, there would be no reason to modify it to have a control parameter that indicates that either a function should be restarted such that a portion of the function already processed is processed again or resumed from a point at which it was interrupted.

Clearly, as amended, independent claim 1 is patentable over the Catherwood reference and therefore all other claims dependent on claim 1 are patentable.

While the language to independent claim 31 has been modified to meet the PTO's interpretation of §101 requirements, the function logic specified is similar to the modification of the claim 1 method steps and therefore cannot be anticipated by the Catherwood reference. In view of the above, independent claims 1 and 31 are clearly patentable over Catherwood and any further rejection of these claims or claims dependent thereon is respectfully traversed.

In section 20 on page 11 of the Official Action, claims 7, 8, 12 and 14 stand rejected under 35 USC §103 as unpatentable over Catherwood in view of Anderson (U.S. Patent 3,418,638). Inasmuch as these claims ultimately depend from claim 1, the above comments distinguishing claim 1 from the Catherwood reference are herein incorporated by reference.

Because Catherwood not only fails to teach Applicants' claimed method of processing data, it actually teaches a different in which the function being processed is always restarted at the point it was interrupted and portions that have already been processed are never processed again. Thus, Catherwood would lead one of ordinary skill in the art away from Applicants' claimed invention in which a function which is interrupted may need to start from the beginning again if it is not idempotent. Therefore, Catherwood clearly would lead one of ordinary skill in the art away from the invention of claims 7, 8, 12 and 14.

Moreover, the Examiner has not indicated that Anderson teaches any modification of the Catherwood method steps or suggests why one of ordinary skill in the art would want to do the direct opposite of what is taught by Catherwood. Moreover, there is no reason or motivation for combining the Catherwood and Anderson references even if they did teach the subject matter of Applicants' independent claim 1 and claims 7, 8, 12 and 14 dependent thereon. Therefore, there

ORION et al.
Appl. No. 10/713,456
October 2, 2007

is simply no basis for a rejection of these claims as obvious over the Catherwood/Anderson combination.

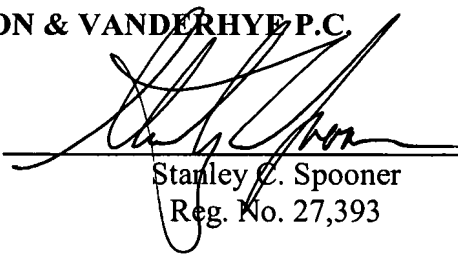
The Examiner's notification that claims 5, 9-11 and 13 contain allowable subject matter is very much appreciated. Similarly, the fact that no art has been applied with respect to claims 32-34 and 36 is appreciated. In view of the above amendments to claims 1 and 31, it is not believed necessary to rewrite the allowable claims in independent form. However, the notification of allowable subject matter is gratefully acknowledged.

Having responded to all objections and rejections set forth in the outstanding Official Action, it is submitted that pending claims 1-36 are in condition for allowance and notice to that effect is respectfully solicited. In the event the Examiner is of the opinion that a brief telephone or personal interview will facilitate allowance of the claims, she is respectfully requested to contact Applicants' undersigned representative.

Respectfully submitted,

NIXON & VANDERHYTE P.C.

By: _____


Stanley C. Spooner
Reg. No. 27,393

SCS:kmm
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100